Solid Waste Policy Advisory Committee Meeting Summary
March 24, 2006

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Handouts

- Agenda
- Michigan Solid Waste Policy- Revised Policy Statement Flow Chart
- Michigan Solid Waste Policy Outline
- Michigan Solid Waste Policy Discussion Items
- Michigan Solid Waste Policy Flow Chart with Questions and Assumptions
- March 10, 2006 Meeting Summary

Introductions and notes from previous meeting

- Notes from March 10, 2006 meeting approved for posting on web site.

Discussion of Staff Revisions to Policy Framework

- DEQ staff revised the policy statement flow chart that was e-mailed to the Committee to address issues from the previous meeting on March 10, 2006.
- The overarching policy statement previously used the word, “materials”. DEQ staff changed this to “resources” to speak in broader terms, and also changed tone to reference what we are doing instead of what we should be doing.
- Wording changes were made to tighten sentences up.
- Policy Statement 1 previously addressed a hierarchy. Instead of using this word, staff changed it to management preferences and tightened it up even more by stating preferences.
- Policy Statements 1 and 2 were combined to state that Michigan will facilitate waste management choices according to preference.
- Previous comments about the use of “Michigan” or “State of Michigan” will be handled later, as necessary.
- DEQ staff added the word “communicate” to Policy Statement 3D as suggested in the previous meeting.
- The use of arrows and flow chart is a visual to sort out discussion and concepts.
- DEQ staff then looked at the third tier to ask what we need to do. This is an evolution from where group was at the previous meeting.
- The long list of issues and policy recommendations were placed in the framework to show that those concepts have not been lost.
- If committee members have comments on wording, please send to DEQ staff in writing.
- Fourth tier begins with assumptions that start before the questions.
- The questions are there for discussion purposes to show what the group needs to focus on.
- This meeting is an opportunity to challenge assumptions, see if the right questions have been asked, get a sense of the group’s position and identify concerns for later consideration.

- Frank led committee through all boxes on the Policy Framework Flow Chart including all assumptions and discussion questions, which is where group spent most of their time.
- Box 2A needs work yet and we will need to talk about 2A Q1 Assumption.
- The broad set of questions in each box will help to focus discussion.
- This framework gives the group an opportunity to chew on bite-size pieces as we move through the process.
- Keep in mind that this is a work in-progress and a tool for generating discussion.

Review of Draft Policy Statements and Staff Process for Arriving at the Issues

- All proposed policy statements and issues from previous meetings were placed within the framework.
- If you see something that needs to go elsewhere, let the group know.
- Note to not waste time on details and to use an umbrella approach for discussion in order to get through the material.
- Group went through each box one sheet at a time to check assumption, questions asked, obtain consensus, and raise concerns.
- Group likes viewing solid waste as a resource in overarching policy statement.
- Statement gives perception that portions of the waste stream are very viable and encourages positive trends and forward thinking while discouraging negative trends without judgment.
- Goal of today is to obtain feedback from group on each one of the 4th tier items and to figure out what steps will need to be taken by DEQ staff following this meeting.
- Review ground rules for discussion. If members think of other items to add after meeting, send e-mail or call DEQ staff so it can be included in DEQ staff discussion on Friday, March 31.

Discussion of Assumptions and Questions

- See attached.

Next Steps

- DEQ will work on 4th tier with the direction of the group provided at this meeting.
- Draft will be sent out to committee prior to April 7, 2006 meeting.
- It is likely that this will be the final tier and it is unlikely that we will get into the specific details in Policy. However, enough direction will be provided in the Policy to guide the decision-making process.
- Next Meeting Dates: April 7, 2006 and April 21, 2006

Michigan Solid Waste Policy Discussion Items
March 24, 2006

<u>1A Q1</u> Assumption: Michigan is not adequately discouraging waste generation. Discussion: What do we need to do to discourage waste generation? What do we need to do more of? What do we need to do differently?

- Assumption may be broader than Michigan. Packaging is a national issue.
- Sharing of research to substantiate our assumptions. What are we relying on to make assumptions?
- Along with assumptions, we need measurement as well.
- Need reduction and training about reduction in general, not just packaging.
- Producer responsibility
- PAYT program, education
- Mandate or incentivize?
- Use incentives to discourage waste generation
- Technical Assistance
- National problem, not just Michigan problem
- Plenty of data available to show waste generation in U.S. far exceeds rest of world.
- Research could apply to alternatives and finding those alternatives for packaging.
- Social marketing- motivate industrial sector
- Regional and national collaboration
- Stay open to make use of what is happening outside of state packaging is just one issue.
- Technology transfer-research does not get out and is not utilized.
- Transfer Policy that would encourage entrepreneurs to utilize research.
- Build cost of disposal into the product.
- Source reduction/diversion varies by waste type.
- Waste definitions-regulatory or operational?
- Waste generated upstream of businesses- promote through incentives.
- Need knowledge of where waste comes from.
- EPA waste characterization database is a useful clearinghouse, are there other sources?
- Economic incentives (Q1 and Q2 together) for businesses to implement programs.
- What does consumer want? Change demand in market place and businesses will change to follow that.
- Its more about education that will affect the market place faster and more effectively than top-down regulations.

- Supply begets its own demand-businesses influence consumer choice and consumers follow.
- Based on prices- when prices are not optimal, we make poor choices.
- Technology transfer doesn't occur because restrictive nature of definitions.
- Regulations are barriers to diversion by discouraging use of another material (i.e. electronic waste-flame retardant).

<u>1A Q2</u> Assumption: Michigan is not adequately encouraging waste diversion. Discussion: What do we need to do to encourage waste diversion? What do we need to do more of? What do we need to do differently?

- Combine with 1A Q1
- How to design for recyclability without getting in way of regulations- allow demo projects or pilots that may adjust regulatory requirements (such as beneficial reuse of industrial by-products).
- Waste characterization- look at statutes/rules
- Look broadly at 1st set- which are applicable to diversion?
- Convenience and access to waste diversion through education
- Different with waste streams- locals, businesses, etc.
- Create infrastructure, services, and facilities.
- Optimal and efficient pricing- captured costs/benefits.
- Encourage market based solutions to environmental problems (federal research grants, university technology grants)
- Encourage public/private partnerships to create solutions.
- Have some level of expectation for people to work toward (education goals and expected behaviors).
- Develop goals- measure progress toward them
- Fairly and equitably assess full costs of managing recycling and solid waste. Take all various options into account.
- Recycling is one option.
- Guidance on how we can use waste streams as feedstock.
- Regulatory aspect to defining minimum standards.
- Value of targets for waste diversion.

<u>1 B Q1</u> Assumption: Currently have inadequate capacity to support waste diversion options. Discussion: What is the nature of the capacity that we need to develop? How do we develop adequate capacity? What are the markets and infrastructure needs?

- More funding
- Understanding of what is a feasible opportunity-what makes sense to develop- sustainable market

- What is available regionally—where material is flowing, where deficits exist, where investment is needed.
- One size does not fit all—look at characteristics of state, generations, etc. (collection or drop off models)
- Capacity issues = resources (funding)
- Efficient and optimal pricing
- Market development in our state for materials
- Infrastructure- economic development outside of MI
- All points raised under 1A need to be brought up again under this category
- Contracting tools- franchise approach used in other states, not in MI
- Clarification of capabilities to facilitate development of infrastructure.
- Capacity depends on amount generated and where diverted to.
- Understand what waste streams are- match with appropriate technology, see if we have that technology, or if it can be developed (flow analysis).
- Stronger effort for developing solid waste alternatives—dedicated effort toward market development and public/private partnership
- Alliances of private companies who have responsibilities over particular waste stream to develop infrastructure for specific waste types.
- Add info set- we don't know what our choices are. Waste disposal not currently a significant consideration—next to nothing in GDP.
- More info for cost-effective choices

<u>1B Q2</u> Assumption: Have adequate short term disposal capacity. Discussion: In long term what is adequate disposal capacity and how do we ensure it? How do we encourage innovative alternatives?

- Synergy- interest in waste streams- system in place to identify diversion potential and factor into how much capacity we need.
- Look at landfills and policies about implementing bioreactors-recognize innovative alternatives
- Planning at county level focused on landfill capacity/import/export
- Planning creates unnecessary disposal capacity- does not adequately recognize true marketplace
- Expansion of transboundary waste disposal
- How do we define capacity- footprint of landfill and what has been developed, not just what has been permitted.
- County boundaries theoretical impediment
- "wasteshed"- transboundary movement adequate capacity for our own waste and others
- Regionalization of movement of waste- political climate- authorized language could be an impediment.
- No sense to not be able to send waste to other county, but can take/send waste to Canada.
- Look at national waste- do we want to create capacity for whole country?
- Permit given by regional structure

- Ownership/whose capacity is it?
- Look at all parameters involved.
- Address counties with flow control laws (closed counties), needs are different when looking at capacity.
- One size does not fit all.
- Legal constraints of diversion (Part 201), beneficial reuse

<u>2A Q1</u> Assumption: That there should be some limitation (or more control) on the use of Michigan disposal facilities by other jurisdictions. Discussion: Should there be more limitations. And if so, what should Michigan do about it?

- Regional/national issue- How can we justify local limitations when we have no control over state/country?
- Power of permit is a powerful tool- What is being granted? Capacity addresses national issues in permit
- Permit shows external costs and is not appropriate vehicle to control for tariffs, trade restriction (slippery slope).
- Contracting with private and public entities- estimate capacity through contracting.
- Guarantee capacity vs. limiting import/export in Michigan (put a positive spin on it).
- Permit can be viewed as contract- issue really is capacity available for our state to use.
- Creative ways to use permit process
- Objection to MI disposal capacity- not Michigan's facilities, not "our" facilities collectively, but Waste Management's, or Delta County's, etc.
- Policy is about resource- giving us a free energy contact, not giving us waste (Build it and it will come.)- create sustainable system, it's a positive.
- Theoretical impediments- treat waste as a resource but be careful about trade restrictions, barriers, impediments.
- No disposal capacity- all a resource
- Convert from waste stream to feedstocks/resources.
- Government driven change through purchasing decisions.

<u>2A Q2</u> Assumption: Michigan uses disposal and diversion capacity in other jurisdictions. Discussion: Should Michigan encourage or discourage this practice? How does it vary between disposal and diversion? What do we need to do to encourage or discourage?

- Take flow control into consideration
- Encourage resources not flowing out of Michigan- economic development that should be taking place in MI.
- Encourage partnership development factors that determine where materials can go.

- Keep economic vitality in mind with decisions.
- Web of commerce and education on how it is all interconnected.
- Ramifications of closing borders
- Diversion- in order to promote, there must be existing channels.
- Do not hinder local governments from coming up with own local solutions.

<u>3A Q1</u> Assumption: More education is needed to encourage waste diversion Discussion: What is the nature of that education? Who does it? How is it funded?

- Promote messages statewide- use opportunities, reduction, alternatives, big role for state to promote consistent waste management message.
- Pollution prevention programs- reduce waste in operations (tools)
- Target message to specific barriers for specific communities- be more innovative in educational approach.
- Counties work with local units of government to take regional approach- develop partnerships
- Role of web/web-based tools to allow effective use of resources across state through county/state collaboration
- Encourage inter-governmental/cross-disciplinary approach on how to handle wastes.
- Broad-based, statewide consistent standardized education message – What should message be?
- Public/private partnerships for education (solid waste).
- Different audiences for education
- K-12 energywise done on statewide basis
- Penny Plan- would require rewrite of constitution and have to be voted on- for recycling generate ~$40 million to be used like solid waste surcharges on all transactions.
- Education should be made a priority
- Education/info improves quality of decision-making.
- Tap into existing initiatives/efforts for sustainable business
- Education should be multi-media and integrated with other environmental education.
- Distinction between tax, fee, and surcharge is only important in Lansing and Washington- its still a tax for consumers.
- Education on solid waste issues has public purpose and is appropriate service to fund through government revenues
- Fees as revenue generator for education
- Developing incentives for manufacturers, businesses, industries.
- Education effort should have evaluation method- justify use of public resources.

<u>3A Q2</u> Assumption: Ultimately waste management decisions are made by individuals. Discussion: How should we use education,

economic incentives, and regulation to discourage waste generation, encourage waste diversion, and ensure proper disposal?

- Tax returns/refunds/credits- ex. Check-off boxes
- Financial incentives
- Penalties- PAYT
- Require consistency of marketing plans
- Deposit system on certain items that are problematic in waste stream
- Solid waste prohibitions/tactics/bans- but need to have something to do with them- markets
- Keep regions/populations in mind with regard to landfill bans
- Generators should pay rather than landfill owners
- Diversion that makes economic sense
- PAYT part of all municipalities plans
- Incentive system- recycle bank where amount of recyclables converted to coupons for free stuff.
- What are local problems and concerns for barriers to recycling?
- Burning household hazardous waste- education

<u>3B Q1</u> Assumption: There is a role for county and regional planning in ensuring disposal and diversion capacity. Discussion: What is that role? How does it differ from what we've been doing? What needs to change?

- Expectations for counties, local units of government- provide technical assistance from counties- creating partnerships- non-regulatory role, education, etc.
- How does selection process for county planning occur? Solid waste districts, parts of counties, regions, single counties- more sophisticated way for planning area to be defined.
- Current process impediment to preferred management (ex. Facility not in plan)
- Different perspectives- some want control; others don't know/ don't care.
- Decisions are politically driven- what they think residents want
- Solid waste planning workgroup- need to overhaul planning process
- Critical functions – 1) need for various services/capacities, 2) identification of capacity in plan.
- More local government input into planning process (townships, cities, villages) tends to vary statewide.
- Great need for education about relevant issues- focus groups, orientation sessions, go to them.
- Conflict of interest if county controls planning and is also primary provider of services- vested interest of county.
- If not accomplishing minimum expectations, then it is a problem. Giving themselves own grade.

- State oversight of plans and minimum expectations.

<u>3B Q2</u> Assumption: There is some confusion and overlap in the roles, of differing levels of government in solid waste management and responsibilities. Discussion: What are the "appropriate" roles and responsibilities? What do we need to do to clarify and encourage governments to undertake those roles and responsibilities?

- Circumstances define if this is really an issue.
- Clarifying contracting authority, franchising roles for services for public sectors. No state law that says they have the power.
- State should establish plan, criteria, and which governments has role in this plan. State down instead of local government up.
- State as enabler rather than mandating from top down.
- Solid waste disposal = economic issue with different jurisdictions- state plays role in clarifying local government roles.
- Identify abilities of roles/responsibilities- mechanisms available to local governments for recycling programs.
- Role for state to help create balance between various interests.
- Home rule authority structure/police powers.
- Manufacturing regulation department has put together and put in document of how to comply with that.

<u>3B Q3</u> Assumption: Government solid waste management activities are not adequately funded. Discussion: What is adequate? How/Where should it come from?

- Difficult to answer without roles and responsibilities
- Need better funding mechanism
- Change way we fund programs
- Revenues cannot keep up with inflation and costs incurred- broken municipal financial structure.
- One size does not fit all- portfolio of tools, guaranteed funding to get people to work together, leverage public/private collaboration
- Local citizens should have say in what programs they want and how to pay for them.
- Minimum level of service defined by state
- Incentives to fund for sustainability and efficiency
- Adequate depends on what we want to do – premature to ask
- Funding not adequate at this time
- Problem might not go away if we have efficient/optimal pricing and markets
- Funding discussion later
- Statewide models might not be feasible

- Avenue/tools not there even if people have desire to do things- give communities tools

<u>3C Q1</u> Assumption: Solid waste policies and laws do not adequately guide proper choices Discussion: What are the current problems and how do correct them?

- Impediments to allowing beneficial reuse of industrial byproducts (Part 201) – manufacturing to do pilots, etc.
- Change landfill siting mechanism in planning- trigger to site a landfill vs. other capacity
- Bottle Deposit Law impediment to adequate recycling program- use comprehensive recycling programs
- Fund private sector through ½ back or redemption centers to provide outlet
- Flexibility on regulations- yard waste outside of collection season is not a good answer- deviate from typical path
- Bottle Deposit Law provides no way to afford redemption centers 0 change law to take burden off retailers and onto individual redemption centers
- Deposit may not be necessary- many items have value
- Broader criteria for materials collected for recycling- site/source separated materials- Plan Update barrier
- Uniform language approach like product labels
- Mandatory siting in some form should remain- cannot get compost site sited- siting criteria supportive of community needs.
- Other waste streams that our laws, policies do not address- universal waste rules, exemption in 2002.
- Design for environment/recyclability driven by manufacturers not solid waste policies.
- Solid waste policies should be silent on these issues- minimum standard and where is it in the law?
- Solid waste exemption used to correct something already occurring- put process in place
- Household hazardous waste activities are not in compliance with Part 115

<u>3C Q2</u> Assumption: Regulations have both intended and unintended consequences on waste management. Discussion: Do the current regulations facilitate proper waste management choices? If not, what changes need to be made?

- Amend Part 201- exempt, recognize beneficial reuse materials
- Guiding principle for change in regulations= using unintended consequences

- Solid waste policy to look at other media- air, water, conflicting with waste generation
- Safety regulations broader than environmental regulations
- Labor laws
- Identify barriers
- Some regulations work well, others not, it depends (universal waste)
- Continuous review
- Identify performance standards- how you classify/use them (materials)
- Mechanism that someone is assigned task to monitor/convene- group always in place.

<u>3D Q1</u> Assumption: We have inadequate data for solid waste management decision-making purposes. Discussion: what data do we need? How best to get it?

- Need uniform way of characterizing waste streams at time of disposal
- Assumption is safe, not adequate disposal
- We need to have a better system
- Mechanism to protect proprietary information
- Enhanced collaboration- 3rd party agency to address proprietary info and need money to do it.
- RETRAC addresses proprietary concerns and is incorporated into reporting- data available in aggregate
- Would need part of it to be required- educate facilities doing it themselves or send someone out to collect it.
- Broad trends we can get idea from (ex. Organic vs. inorganic waste)
- Evaluate data collection means down the road- need more than point-in-time data collection
- Require data collection at next plan update.
- Double counting issue- landfill reporting, manufacturer reporting
- This is not a reason not to do it.
- Same system in multiple states would help so we are measuring same thing.
- Tool to recruit economic facilities- is there enough material?
- Residential, commercial, industrial, recycling, composted, managed in backyard, etc.
- Some done at county level- not all county planning in place- whoever is responsible for solid waste management plan should be responsible for implementing data collection.
- Collect at local level.